

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 4598 OF 2006

DATED: 9.3.2006

Between:

Muga Seenaiiah

... Petitioner

and

The Assistant Commissioner, Endowments,

Nellore District, Nellore and others.

... Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.4598 OF 2006

ORAL ORDER:

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The petitioner claims to be a landless poor person and that his entire family is dependent on cultivation. It is further asserted that since 1961, his father-in-law had been cultivating the land by paying Maktha regularly. The lands belong to Sri Nageswara Swami Temple, Minagallu village, Buchireddypalem Mandal, Nellore District.

According to the petitioner, his father-in-law died in 1981 and his mother-in-law came into possession of the lands and was thereafter paying Maktha to the 3rd respondent, the Archaka of the temple. In 1983, the petitioner took the lands on lease from the Archaka since his mother-in-law was unable to cultivate the lands. He was regularly paying Maktha to the 3rd respondent ever since. When the 3rd respondent tried to evict the petitioner from the lands, he filed O.S.No.53 of 2004 before the Principal Senior Civil Judge, Kovur, and during the pendency of the suit, entered into a compromise with the 3rd respondent. Petitioner claims that the suit was decreed in terms of the compromise and that ever since he has been in possession and enjoyment of the lands. Petitioner alleges that the 3rd respondent in collusion with the 2nd respondent and with a view to evict the petitioner from the lands has now issued a notification dated 2.3.2006 for auction of the leasehold rights of the lands and that the auction is scheduled on 10.3.2006. Petitioner alleges that the action of the second respondent in notifying the auction for leasehold rights of the lands of the Devasthanam is illegal, in view of the compromise entered into between the petitioner and the 3rd respondent and his long de facto possession and enjoyment of the lands.

None of the contentions urged by the petitioner have any basis under the provisions of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act'). It is not the petitioner's claim or assertion that the lands

belong to the Archaka. Admittedly, the lands belong to the Devasthanam and were not endowed in favour of the Archaka. If the Archaka has been dealing de facto with the lands, it may perhaps have been on account of assumption of a non-existent authority by the Archaka fertilized by the abdication of statutory responsibility by the officers of the Endowment Department or perhaps even active connivance. Such de facto illegalities do not confer any legitimate title on the petitioner or a legitimate nexus or relationship between the petitioner and the lands of the Devasthanam. The provisions of the Act and the statutory environment therein mandates a particular method of grant of leases of immovable property belonging to Devasthanam and that is by auction. Admittedly, there is no subsisting or a legitimate lease agreement between the Devasthanam and the petitioner. The petitioner therefore does not appear to have a scintilla of claim to the lands in question.

No case is made out for interdicting the 2nd respondent's notification dated 2.3.2006 for auction of the lands of the Devasthanam, on 10.3.2006.

There are no merits. The writ petition is dismissed. No order as to costs.

GODA RAGHURAM, J

Date: 9.3.2006

cvm

